

Folsom (C. F.)



[From the AMERICAN LAW REVIEW for February, 1882.]

THE RESPONSIBILITY OF GUTEAU.

THE medical experts who have been called during the trial of the assassin of President Garfield have probably never had placed before them a more difficult task than to settle in their own minds the exact mental state of Guiteau on the 2d of July last. There is sufficient evidence of either of several forms of mental disease in his case to establish a reasonable probability of the existence of any one of them, and yet not enough to amount to positive proof that the man was suffering from any particular recognized type of insanity when he was arrested.

If it be assumed that he is a partial imbecile, and, following out the line of thought suggested by Darwin and Hughlings Jackson, that in the process of devolution he has lost just those faculties of mind which come latest in the evolution of a high order of civilization, — namely, a nice sense of right and wrong, a fine recognition of what is due to others than one's self, reflection, reason, and judgment, — it is entirely consistent that he should have quick perceptive faculties, a retentive memory, extraordinary acuteness, extreme self-will, and inordinate egoism. It may be said that, if this supposition be correct, Guiteau is simply an anomaly in the fourth quarter of the nineteenth century, and that he is only a type of an earlier civilization than ours. That may or may not be true; the only way of settling the point is to ascertain, if that be possible, whether, in the first place, there is in his case that progressive loss of mental power from year to year which is characteristic of disease of the mind, and of which there is some, but not conclusive evidence; and, in the second place, whether there have been from time to time attacks similar to a mild form of mania, which not seldom occur in complete or partial idiots and imbeciles.

From the history of the case, it is not impossible that there have been at different times, with intervals of several years, recurrent attacks of mania of a form not rare in private practice; a form just severe enough to render asylum treatment desirable but difficult to enforce; under the influence of which crimes are rarely committed, until, in the course of time, the progressive diminution in mental power brings all the higher faculties of the brain so far under the control of its lower functions that all sorts of violations of law, decency, and social order are the result. With this explanation of the facts in the case, or supposing that there is simply physical degeneration of the brain of long standing or partial imbecility with periodic excitement and progressive loss of brain-power and self-control, it is perfectly natural that a man may be comparatively sane at his trial in December and very insane when he committed his crime in July, and that he should have appeared perfectly sane to people who saw him at certain times and in some of his relations of life, while to other people at different times he seemed thoroughly insane.

There are some indications sufficient to create a suspicion of an organic disease of the brain in Guiteau's case which, although as yet in an early stage, may be of such an extent as to create an excessive exaltation with extravagant delusions, and to involve probably as complete irresponsibility as is found in any form of insanity, — a question which time alone could positively settle, and which the previous existence of syphilis renders more probable, as the two diseases are often associated. Again, it may be maintained that a bad inherited organization, worse training in boyhood and youth, the pernicious influence of free-love and communism during six years of early manhood, extreme self-will, knowing no law but self-indulgence, general moral obliquity, and entire want of sympathy with society, may have led on, from one step to another, a man whose ambition knew no bounds, whose love of notoriety was only equalled by his cunning and unscrupulousness, and who finally in one desperate act risked his worthless life on the small chance of escaping the just penalty of his deed.

Among the many experts with whom I have talked upon these points there was a striking unanimity of opinion that the only satisfactory means of arriving at an approximately correct solu-

tion of these questions would be to place the assassin under the observation of competent physicians for a considerable period of time. But with these points established, there would be still the difficulty of deciding whether the crime were committed by virtue of the insanity, if it were proved to exist, or through a purely criminal motive, inasmuch as bad people may become insane as well as those who are of high character and law-abiding. Indeed, I have seen several persons in whom pure wickedness existing previous to mental disease on the one hand, and insanity itself on the other, were so intricately connected that it did not seem to me to lie within the power of any human being to say how far the one or the other was responsible for the crime committed.

On this point it is rather an interesting fact that the insane are less inclined than the sane to hold other insane people irresponsible, and many of them express the opinion that all persons should be treated alike, sane or insane, when they commit crimes. Perhaps this is due to the fact that, in insane asylums, it is a matter of common observation that the inmates are governed very largely by considerations of self-interest, and that very many of them can and do behave perfectly well, as soon as they learn that they must do so. Indeed, an insane man in an asylum in Scotland, in commenting on the fact that the testimony of insane inmates of public institutions has been accepted repeatedly in court, and that once at least a man was convicted through the evidence of an insane patient in an asylum, makes the following rather striking statement: "Comparatively few of the insane are so far gone, even when at their worst, that some ray of reason does not break forth from their darkened mind, while by far the largest proportion know right from wrong, good from evil, and are as well, if not better, qualified than ordinary people, from the very regulating, tempering, and sharpening of their mental and moral powers, caused by the heat of the fire of affliction which they have passed through, to judge in any given circumstances, and to give the naked, unbiassed truth when called on as witnesses."

The insane, too, especially those of the Guiteau type, not seldom assume for themselves an irresponsibility which does not exist, and make it the excuse for wrong-doing which they can perfectly well control, as is constantly shown in their abuse of

attendants and physicians in hospitals. They may even murder, also, or commit any other crime, from precisely the same motives as govern ordinary criminals, not a few instances having been reported where patients have murdered attendants or other patients simply from hatred or revenge, and sometimes so adroitly, with such careful planning and execution, that the author of the deed was never detected. Even if it be granted, therefore, that a given criminal is insane, the protection of society demands that there should be a careful discrimination between deeds committed under a disease destroying volition and self-control in the particular case, and those where the motive and method were purely those of the criminal. In the latter case, however, the fact should be borne in mind that a person quite demented by virtue of insanity may act precisely like a deliberate wrongdoer, but, by reason of having lost his mind to a great extent, with an insufficient or trivial motive.

It is not always easy, sometimes it is impossible, to say whether a crime is an insane act or not. Two young women, for instance, killed their babies under circumstances that might suggest either irresponsibility or great hardness of nature and cruelty. In both there was about the same amount of external evidence of insanity, in neither case very clear. The one was happily married, and, so far as could be known, had no possible sane motive for killing her child. When left alone with it for a little while she kindled a fire in the kitchen stove and heated to boiling some water, into which she threw her infant. Upon the return of her servant she was found sitting by the shapeless mass smiling, but refused to say why the deed had been done. In the insane asylum, to which she was sent, there was, for some months, no indication of insanity beyond the facts that she never spoke, and that she had an expression of quiet satisfaction on her face unnatural, under the circumstances, to a sane person. Her physical health was good, and the ordinary relations of the asylum life were properly attended to. She was orderly and quiet, and understood, as well as performed, what was required of her. Several months later, she said that she had killed her child because her husband had bestowed improper attentions upon her maid, — a pure delusion, which, even if it had foundation, would not have justified the act in law. She was clearly insane, as was shown by later evidence, but finally recovered.

The other was betrayed and deserted, with scarcely any one to befriend her, and hardly knowing where to turn for her daily bread. She had been left alone in the world at the age of fourteen, and had previously had an illegitimate child, to which she gave every care and attention that a mother could bestow. Although unscrupulous, according to the usages of society, in some matters, she had her own standard of right and wrong, to which she adhered. There was every evidence that her general behavior was good, and that she kept habitually away from evil associations; and she certainly was not licentious. She was very industrious and overworked in her daily life up to the very hour of her confinement, previous to which she had been alternately depressed and moderately exhilarated. The fierceness with which she said, at the time of her trial, that she would kill her seducer if she ever saw him, led to the inference that she would certainly do so. For the ten days succeeding the birth of the child, the mother was kept at one of the charitable institutions of Boston, where she did not see any one previously known to her. After her discharge, being left for twenty minutes alone with the infant, she killed it by a violent blow with her fist, fracturing the skull, and then crushed it between the pillow and mattress of her bed. She took it home, concealed it in her trunk for a favorable opportunity to throw it into the river, and went to seek for work to her old employer, who readily took her back, knowing her good habits and efficiency. Her babe was found, and her employer was told of the fact, which she suspected, because he "seemed nervous" in his manner, although none of the other girls could detect anything of the sort. She then immediately accused herself by saying: "I know what 's the matter. I killed my baby, and they have found it." She had no love whatever for her infant, and when arrested regretted that she had not kept it with her, as she thought it so weak that it must soon have died from natural causes. She manifested a want of a realizing sense of what she had done and a manner suggestive to the expert of the ways of the insane to fully as great a degree as the first young woman, but she had also the criminal motive, and to a certain extent her previous life was not inconsistent with the crime of infanticide.

Was her despondency from despair natural to her condition or from the melancholy of insanity? was her deed the act of

an insane mind or of one trained to concealment, and already familiar with crime? are questions which simply could not be answered definitely of a woman examined as to her mental condition several months after her arrest.

Those who see a great deal of the insane are inclined to give them the benefit of the doubt nearly always in matters relating to their punishability; but their friends often consider them simply "ugly," and treat them accordingly. Indeed, the opinion was offered to asylum physicians not long ago, by a gentleman bringing his brother for commitment, that all he needed was to be knocked down occasionally, which was the treatment he received at home; and a similar feeling is quite generally expressed by the public at large, from the clergy down, whenever an insane person commits any serious crime. While it must be acknowledged that society is often unjust to the individual in its anxiety to protect itself from danger of all kinds, yet it is equally true that there are more insane persons out of confinement than in safe-keeping, and that many of them are inclined or not to suicide or other crime in proportion to their expectation of being held accountable or not. Three inmates of an asylum were once overheard discussing this matter.

The first, committed for the eighth time to the asylum, said: "When a person has once been confined in a lunatic hospital he may commit any crime without punishment." The second, a man who thought himself about to be confined with triplets, replied: "After an insane man has recovered from his disease, he then becomes responsible, if not actually insane at the time of the offence against the laws." The third believed that he was the Great Napoleon, and said of another inmate of the same asylum who had the same delusion: "Yes, the poor devil has really supposed himself to be myself (the Great Napoleon) ever since I gave him one of my coats at St. Helena;" he remarked, "No one recovers completely from an attack of insanity, and, if once insane, he is, although recovered, irresponsible for the rest of his life."

Probably there never will be an agreement in opinion, either among experts or in the community at large, as to the insanity of Guiteau. The conviction exists that he is decidedly insane, and that his crime never would have been committed but for his insanity; although it would be admitted that insanity alone could

not have produced such a deed, — that there was a large criminal element in it. There is an opinion that the sober second thought of the country will be decidedly in this direction, and that there will be at least a doubt whether secure confinement for life of such criminals is not more worthy of a great nation than hanging, more consistent with humanity, and just as safe for society.

On the other hand, there is just as honest a belief that the whole theory and conduct of the assassination can be fully explained from the conditions and circumstances of the case, independently of insanity, that therefore the assassin was not insane, and that the protection of society demands that he should be hanged, even if he is medically insane. Both opinions are entitled to consideration.

For twenty-five years Guiteau has been opinionated, despotic, self-willed, egotistical, and unscrupulous to a degree that has made him intensely offensive to a great part of the people with whom he came in contact. At the same time, he always assumed the character of an excessive religionist, without any real reverence or true morality, while his relations with women were so impure that he contracted disease thereby more than once; and his ordinary pious talk often seemed like the worst blasphemy.

There seems about equal ground for supposing that his lecturing on the second coming of Christ, his religious exhortations, his publishing a companion to the Bible knowing that he had no money to pay for it, and his wandering about from house to house and town to town without paying his railroad-fares or board-bills, might arise from a weak or diseased brain on the one hand, or, on the other, from a determination to lead a life in which his pietistic pretensions might bring him into good society, for which he had a craving, and give him his daily bread without the steady, concentrated work which he seemed incapable or unready to undertake. His temporary practice of law in New York and Chicago threw no light on this question, for, although he was finally unsuccessful in both places, it is not clear whether that fact was due to sheer incompetency, amounting or not to partial imbecility, or to dishonest methods and irregular practices. At all events, he showed a quickness of perception, a ready memory, and cunning adroitness, together with decided lack of judgment and self-control, that on the one hand do not indicate insanity or

moral imbecility, and on the other hand do not conclusively prove entire sanity.

When he left the Oneida community, where he was a restless and not easily governed socialist, his claim for excessive damages for the use of his time and his attack on the community's character might be considered insane acts, if he had not promptly abandoned the suit when he found that he was liable to punishment for libel; and his extravagant proposal to found a Daily Theocratic Press, if appearing to some to indicate insane delusions, was to others only a foolish attempt of an inexperienced, conceited young man to carry out a suggestion which had already been made by some one else. His silly suit of \$100,000 against the *New York Herald* for alleged damage to his character, his belief that he had frightened their counsel into a wish for a compromise, his expectation of an adjustment of his claim, and his final abandonment of it all on the ground that he did not wish that powerful paper's influence against him politically, although he had no social or political position, are so extravagant, that, if honest, he would almost on these grounds alone be considered insane by some, but not by all, persons.

The attempt to revive a bankrupt Chicago paper (afterwards successfully accomplished) was sensible enough; but for an unsuccessful, crack-brained *ne'er do weel* to try it, by attempting to borrow respectively \$200,000 and \$50,000 of strangers, whom he promised to make President of the United States and Governor of Illinois, seems nothing less than sheer insanity, or more brazen-faced and witless effrontery to get control of money than is seen in people of wholly sound minds.

Guiteau claimed inspiration as far back as 1865, when he asked his father for assistance for his projected paper. At the time of his trial he asserted that he was inspired also twice before, upon entering and when leaving the free-love community, and also once afterwards, when he shot the President.

For some time it was a matter of doubt whether this inspiration were really that which is characteristic of insanity, or simply a habit of mock piety, arising in a nature trained to the external observance of the cant of religion, and accustomed to excuse itself for various misdeeds by throwing the responsibility upon Providence, or to deceive itself into the supposition that its own wishes, long meditated upon, were inspired. In support of the

latter theory is the fact that there were no hallucinations of hearing (false hearing) so likely in that kind of insanity, and that the inspiration was talked about in a matter-of-fact kind of way which was conclusive as to its character, even before the evidence for the prosecution showed that the idea of inspiration was an afterthought to the murder.

Six years ago, Guiteau raised an axe against his sister, and appeared insane to some persons, including his sister's family physician, who desired to seclude him in an insane asylum; but to other people he showed no traces of mental disorder; and the facts observed at that time, although suggestive of insanity, certainly do not prove it to the satisfaction of medical experts. The same statement is true, also, of his apparently extravagant belief, during the political campaign in 1872, that if Mr. Greeley were elected President he would be chosen to a foreign mission, unfitted as he was for any responsible position, and without even the "claims" of political services that hungry office-seekers urge.

Up to the time of the assassination, therefore, the evidence of pure insanity was conclusive to those who looked at the assassin from the point of view of his friends, with the natural tendency to exaggerate his exaltation, delusion, gospel ministration, and general lack of the higher faculties of the brain; while the opposite bias would naturally lead to explaining his whole life on the basis of general incapacity produced by bad habits, and of the bold manœuvres of a man desperate for money and unscrupulous as to the means of getting it,—a view which is strengthened by his heartless practice of borrowing money, never intending to pay, of people who could not afford to lose it, and by his constant practice of cheating hotel-keepers and boarding-house mistresses out of their dues.

A doubt whether all this even could not be attributed to mental disorder is strengthened by the fact that there exists a strong hereditary tendency in Guiteau's family to degenerative disease, which, it is true, produces criminals as well as insane members,—the physical degeneration manifesting itself in a great variety of ways, perhaps least often in perversion of character and in the degradation of the higher functions of the brain alone. In Guiteau's case, up to last July, there was nothing to indicate the real criminal character; whereas his freedom from the use of

intoxicating liquors, and avoidance of the customs and haunts and practices of criminals, to frequent libraries, attend lectures, &c., rather point in the opposite direction,—a view which is strengthened by the high character of his father's family and associations. At worst, he was an unscrupulous, pious fraud, without any standing in society, without property, in debt, with no family of his own, and with no tie to the world even to balance his hatred of its social forms or to steady his temptation to prey upon it for a living. His assuming to enter upon the political work of 1880 was only a repetition of his previous attempts in 1872, and his expectation of an office high above his capacity, deserts, or "claims" was on a par with his hope of getting a foreign mission nine years ago. In both cases he abandoned the pursuit of office precisely like a sane man, simply upon seeing the result of the election in the first case, and upon being rebuffed by the Secretary of State in the second.

If there is positive evidence, as is thought by some, that Guiteau has been insane for many years, it lies in his general exaltation and delusion; in his feebleness of judgment, reason, and reflection; in his moral perversion; and in his apparently increasing weakness of mind, as shown in the growing expansiveness of his ideas and the lack of reasonable self-control,—perhaps due largely to more and more indulgence in vicious propensities.

Guiteau's fondness for hanging about people in high position and the readiness of politicians always to conciliate voters or persons willing to do even the vilest work to secure votes suggest that his assuming familiarity was probably treated in a manner to make a man of weak mind really suppose that he was "on good terms with them," and that he might expect an office, although his demand, if honest, for one of the highest official positions (especially if it is true, as he says, that he still expects to be President), can hardly come from any other than a crazy man. While he was seeking for office, his correspondence and actions show conclusively that he meant to marry some wealthy lady of high position, of many of whom he fancied that he needed only to take his choice,—a delusion which some would consider insane, others not.

When he was informed by the Secretary of State that he could have no office, his appearance of extraordinary exaltation changed to one of disappointment. The newspapers were full of the

quarrel between the two wings of the Republican party, blaming the President in unmeasured terms for having brought it about, and threatening all sorts of political vengeance. It was feared — and the fact may easily have been stated in Guiteau's hearing — that there was even danger of the murder of the President, and that the crime of Booth would be repeated. At all events, he now claims that the idea came to him about the middle of May; that for two weeks he watched and prayed to ascertain whether it was a suggestion from the devil or an inspiration from the Lord, when he finally became satisfied of its divine origin, and that he must shoot Mr. Garfield, "because he had proved a traitor to the men who elected him," in refusing the patronage of his position to the Grant-Conkling element of the Republican party. He asserts that the Lord commanded him to remove the President for the salvation of the country; but it is evident that the imperative impulse under which he claims to have acted did not exist, inasmuch as there was such long-continued planning, quiet preparation for every possible issue, and evident self-control in resisting his purpose of murder at several appointed times, for reasons of simple convenience or expediency. His inspiration has every appearance of being at best simply the strong conviction or determination of a weak or diseased mind, and not an insane delusion, strictly speaking.

The whole manner of the man must have convinced any one familiar with insanity that the theories of inspiration and impulse were only afterthoughts, or adopted as means to escape the gallows, even before it had been proved that he made no mention of them in his early explanations of the murder. They are suggestive of a poor imitation of those features of the case of Freeman, the Pocasset murderer. The facts which may be considered proven are, that, claiming to wander over the earth as an evangelist, like the Apostle Paul, he stated about a year ago that he had entered the field of politics because "theology did not pay." Two weeks before the murder, while claiming to be under an uncontrollable divine pressure to kill the President, he wrote a quiet letter to Boston saying that he was engaged in politics, and asking for a copy of his book on the second coming of Christ, meaning to revise it for republication. Although borrowing the money to buy a pistol, he purchased an expensive one, thinking that it would look better on exhibition at the State Department.

Twice he went out to practise with it, firing twenty shots at a mark. He entered the church which Mr. Garfield usually attended a half hour before the end of the service, to see the place where he sat, and then went outside to see where he could fire at him through one of the windows. Once he awaited the return of the President from the house of the Secretary of State, lurking in an alley at night, and he stated that he should have shot him if he had come out alone; but when he appeared in company, saying that he refrained because the evening was hot, and he did not feel like it. Once he failed to carry out his idea because Mrs. Garfield was on the President's arm, and he said he should never have shot him in her company. On the morning of the murder he appeared most calm, engaged a hack to convey him to the vicinity of the jail, in which he meant to seek protection against the popular fury, placed the revised copy of his book and newspaper clippings showing the excited state of mind of many politicians over the quarrel in the Republican party on a newsdealer's shelf, shot Mr. Garfield, sent a note to General Sherman demanding the protection of the army, and was so cool when arrested that it was thought at first that he must have been the wrong man. He wrote an address to the American people, saying that he had murdered President Garfield for the sake of restoring harmony to the Republican party, and salvation to the country. There can be no doubt, I think, that he honestly supposed that the anti-Garfield politicians would support him in his act; that he fully expected to be enrolled among the great patriots of the world; that he should be acquitted of crime, and become a great man; that he should visit Europe, and come back to this country lecturing, selling his miserable little book, and parading generally as the famous Guiteau, rich and happy. That he had legal malice in his heart in killing Mr. Garfield was too evident from the genuine way in which he said that he killed him, because he proved a traitor to the men who elected him.

It can hardly be claimed that the act was purely the outcome of an insane mind, and that the insanity wholly caused it. I should rather place it in the same category with the deliberate murder of a hated insane asylum superintendent by a patient who hoped thereby to change the whole hospital management, secure freedom, and escape punishment. In that case the responsibility might not be always easily measured.

Whether Guiteau's delusion was wholly an insane one or not, it must be conceded that his processes of reasoning are very like those of the insane, and totally different from those of the sane. His manner, appearance, and expressions, too, are very decidedly suggestive of the lower wards in an insane asylum. His riotous behavior in court is not wholly like that of an insane person, and yet not entirely unlike it, but with the element of self-asserting bullyism, that might be either a part of insanity or not, whether it be assumed or not in imitation of the action in court of the maniac who attempted to kill President Jackson. His heartless ingratitude manifested in the brutal treatment of a brother-in-law, who has sacrificed his own interests to undertake the thankless task of his defence, and his beastly, open adultery, in order to drive his wife into getting a divorce, are certainly suggestive that a great part of his conduct is due to depravity rather than insanity. It is evident to one watching the trial that Guiteau is either absorbed in the self-satisfied notoriety for which he has yearned all his life, or that in his insanity he entirely fails to appreciate the real gravity of his case. His witty remarks, impertinent jibes, ready rejoinders, quick perception of points, keen amusement, intense animosity, extraordinary memory, lewd allusions in the presence of a mixed audience, irrepressible gabbling, and his fearless, reckless behavior, generally, suggest to one person or another the hardened, desperate criminal, determined to have all the fun and notoriety he can before dying, or the lunatic at least partially irresponsible. The latter view is upheld by the persistent way in which he has constantly injured his own case by accusing his brother of being a defaulter in open court; by calling his own witnesses liars; by asking for money for his defence from those who gave to the fund for the widow whose husband he assassinated; and by going off into all sorts of rambling advice to the government to suppress Mormonism, or to President Arthur to appoint or remove this or that officer, on the ground that he can properly direct the man whom he made President. A sane man, certainly, in the middle of a trial for his life, would hardly be entirely lost, as was Guiteau, to his real position in gleaming pleasure at recounting his life's adventures on the witness-stand, and while reading about the Apostle Paul from his book "The Truth."

Acknowledging that Guiteau is medically insane, even that he

has lost much of the power belonging to an originally bad brain, and that his delusion in regard to the result of the murder of President Garfield was an insane one, it must be conceded that he knows right from wrong, good from evil, in the abstract; that he had sufficient power of self-control not to murder; that he does not highly value a human life, which he considers of small importance as compared with the terrible slaughter of the late war; that he expected to escape punishment; that now he readily accepts the plea of legal insanity at the time of the crime, thinking that he is sane at the present time; and that he is extremely anxious to avoid the just reward of murder, — points which there is some reason to suppose, from his study of the law, that he may have fully considered before the assassination. Whether he fully believes his act to have been right or not, and does not know the difference between right and wrong in that particular deed, seems to me, like many other important facts in this case, impossible to determine from an untruthful man on trial for his life, and ready for any deceit to gain a little longer term of his wretched existence. His apparent happiness, want of concern, good sleeping, and great appetite may be explained on the ground of insanity, or by the supposition that he is a careless, reckless man, undergoing considerable mental strain. Guiteau's full appreciation of the present political situation is certainly conclusive as to his responsibility, if his present mental state is the same that it was upon the day of the murder.

In reply to questions, he said that Mr. Conkling probably has as much influence with the present administration as Mr. Blaine had with the former, that General Grant and Mr. Conkling are "running" the government now, and that the present state of the political parties in the country is a little better than it was last June. In answer to the query whether the old quarrel will not break out again between Mr. Blaine and Mr. Conkling, he quickly replied, "We will not discuss that question." The fact, therefore, that Mr. Blaine was not shot, and that Mr. Garfield was shot, would argue either an insane act or malice towards the late President, with a hope of reward, secretly or openly, in money or in notoriety, or in both, from those who were so stoutly blaming Mr. Garfield's conduct in appointing Mr. Blaine to the position of Secretary of State as well as in other nominations distasteful to them, and perhaps, to a certain extent, unsatisfac-

tory to the country at large. Whether Guiteau has organic disease of the brain in an early stage or not, at the present time, cannot be positively ascertained, as the prominent mental symptoms of it in his case may be only the exaggeration of natural traits and not pathological, while the physical symptoms are not pronounced enough to justify more than a strong suspicion of its existence. It may be said, however, that in such disease there is a striking loss of responsibility, which, of course, would be difficult to detect in a person who had never been in his life one to be depended upon. Two cases of this disease in which there was a marked loss of self-control in an earlier stage than it is seen in insane asylums, or by asylum superintendents, and where the obliquity produced by disease was mistaken for depravity or criminality, may be quoted. The first was a gentleman of high character and good standing, with a respected and loved wife and family of children, who, away from home, married a pretty girl beneath his station. There had been for a while some unsteadiness of purpose, and loss of the accustomed power of concentration of mind in his business. The crime was so thoroughly inconsistent with his character that he was finally placed in an insane asylum for observation before trial, where he was kept secluded at rest for a couple of months, and then declared perfectly sane, simply because the asylum physicians were not familiar with the perversion of character and slight intellectual impairment so common in the early stages of the disease. The man was sentenced to fifteen years' confinement in the State prison; but he showed unmistakable evidence of his disorder as soon as he arrived there and attempted to work. Later, he was sent to the insane asylum a complete mental and physical wreck, certain of dying in a few years at the natural termination of his malady, his family in the mean time having suffered the unmerited disgrace of his having been treated as a criminal.

The second was a very brilliant young lawyer, elected mayor of his city two years in succession, where there was mild cerebral stimulation similar to that produced by coffee or wine, but constant, in the very early stage of the disease, the moral perversion coming later, and showing itself in little acts of frequent occurrence, which soon made his many friends enemies. The first striking misdeed committed by him was to engage to speak in one city in a Republican campaign meeting, he being president

of the local Republican committee, and then to go to another city the same evening, breaking his first engagement, and addressing the opposition with fierce denunciation of his own party. The natural course of the disease followed, and he passed through mental decay to death in four years. Both of these persons were of pure life and fine character, so that the moral perversion, and entire change to what seemed like depravity, without external cause, were of themselves important symptoms of insanity. It would be impossible to diagnosticate this disease in Guiteau's case until the paralytic symptoms should exist, and they are often comparatively late in their appearance. But a bad man may become worse, even a criminal, by virtue of disease, when otherwise he might have remained simply a nuisance and a fraud. My own opinion is very decided that Guiteau is an insane man, that he would have been thought a proper subject for detention in an insane asylum a half dozen years ago, if he had been sent there, and that once committed, he would not have been discharged to entire freedom by the advice of the medical officers. His responsibility is not so easily determined. The elements of crime and insanity are so interwoven in his character that it seems to me impossible to say how far each was responsible for the murder. It is my opinion that without insanity the assassination would not have been attempted. With Guiteau's amount of insanity alone, and none of the criminal motive, the crime would have been probably equally impossible.

The trial of Guiteau has shown the desirability of greater exactness in the laws regarding responsibility for crime, but still more the unsatisfactory character of hypothetical questions, which usually admit of only one answer, and it also illustrates the difficulty of getting direct, impartial testimony from experts summoned to uphold either side of a case, rather than to assist the court.

CHAS. F. FOLSOM, M.D.

BOSTON, Mass.